

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,) No. CR-05-168-LRS-1
Plaintiff,) ORDER GRANTING THE UNITED
v.) STATES' MOTION TO CONTINUE
VERN EDWARD BOYD,) AND DENYING DEFENDANT'S
Defendant.) MOTION TO RECONSIDER

At the December 13, 2005, hearing on Defendant's Motion to Reconsider (Ct. Rec. 46), counsel David Miller appeared with Defendant; Assistant U.S. Attorney Stephanie J. Lister represented the United States.

The United States objected to Defendant's pretrial release and orally moved for a continuance of the hearing to permit witness attendance. The oral Motion to continue (Ct. Rec. 52) was **GRANTED**, and the hearing was continued to December 15, 2005.

At the December 15, 2005, hearing, Assistant U.S. Attorney Stephanie A. Whitaker represented the United States; Defendant was present with counsel David Miller. Detectives Jay McNall and Jay Mehring testified and were cross-examined.

There was testimony that shortly after Defendant's previous ORDER GRANTING THE UNITED STATES' MOTION TO CONTINUE AND DENYING DEFENDANT'S MOTION TO RECONSIDER - 1

1 counsel showed Defendant discovery in the captioned matter, which
2 revealed the confidential informant's name, that the confidential
3 informant received a threat to his place of business, specifically
4 spray paint of "snich [sic] 187," which the testimony reflects is
5 indicative of a murder threat. This individual has stated to the
6 investigative agent that he is in fear of Defendant. There was
7 testimony that Defendant had been a "right hand man" and an
8 "enforcer," whose job was to intimidate and assault for an
9 individual previously convicted for felony unlawful controlled
10 substance charges. Defendant has a history of assault charges, as
11 well as history of failures to appear.

12 While the undersigned concludes there may be a combination of
13 conditions to reasonably assure the court that Defendant is not a
14 risk of non-appearance, including electronically monitored home
15 detention, structured chemical dependence counseling, and corporate
16 surety bond, the undersigned concludes at this time that the United
17 States has met its burden as to risk to the community.

18 **IT IS ORDERED** the Defendant's Motion (Ct. Rec. 46) is **DENIED**.

19 DATED December 15, 2005.

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S/ CYNTHIA IMBROGNO
UNITED STATES MAGISTRATE JUDGE

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